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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,092	01/02/2004	William R. Dodds	3158.01US02	1330

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EXAMINER

NGUYEN, TRINH T

ART UNIT PAPER NUMBER

3644

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,092

Applicant(s)

DODDS, WILLIAM R.

Examiner

Trinh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment dated 5/24/05.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-19, 23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-19, 23 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/9/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2 Claims 1-4, 6, 8, 9, 11, 12, 15-17, 19, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 3,205,860) in view of Bennett (US 2,763,421) (please see a more detail Figure 5 of Bennett attached with the Office Action for further explanation).

Moore discloses a feeding apparatus comprising a container (11, 12, 13) and an extension (10) supporting the container.

Moore lacks an extension having an undulating perimeter, wherein the perimeter having regions of increased radial extension and regions of decreased radial extension, wherein the regions of increased radial extension comprise an outboard end and an inboard end, the outboard end defining a plurality of separated eating stations, and wherein the regions of decreased radial extension comprise a dip portion having a reduced height relative to the regions of increased radial extension.

Bennett teaches a similar feeding apparatus as that of Moore in which Bennett's feeding apparatus having an extension having an undulating perimeter, wherein the perimeter having regions of increased radial extension and regions of decreased radial extension, wherein the regions of increased radial extension comprise an outboard end

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and an inboard end, the outboard end defining a plurality of separated eating stations, and wherein the regions of decreased radial extension comprise a dip portion having a reduced height relative to the regions of increased radial extension (see attached Figure 5 for further explanation). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the feeding apparatus of Moore so as to include an extension having the above specific structural components in a similar manner as taught in Bennett, in order to realize the benefits thereof.

For claim 2, Moore as modified by Bennett (emphasis on Moore) further discloses the container further comprises a first section (11) connected to a second section (12).

For claims 3 and 4, Moore as modified by Bennett lacks the first section has a rectangular cross section and the second section has a trapezoidal shape. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the feeding apparatus of Moore as modified by Bennett in whatever form or shape was desired or expedient, wherein no stated problem is solved by having the specific shape as claimed versus the shape taught by the prior art. Furthermore, a change in form or shape is generally recognized as being well known within the level to one of ordinary skill in the art depending on one's intended use.

For claim 6, Moore as modified by Bennett (emphasis on Moore) further discloses a feed divider member (20) located within the container.

For claim 8, Moore as modified by Bennett (emphasis on Bennett) further discloses the outboard end is positioned higher than the inboard end.

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For claim 9, Moore as modified by Bennett lacks the outboard end is from about 0.5 feet to about 4 feet higher than the inboard end. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Moore as modified by Bennett's feeding apparatus so as to include the outboard end is from about 0.5 feet to about 4 feet higher than the inboard end, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges involves only routine skill in the art.

For claim 11, Moore as modified by Bennett (emphasis on Bennett) further discloses regions of increased extension can further comprise a central section that runs parallel to the ground.

For claim 12, Moore as modified by Bennett (emphasis on Bennett) further discloses the central section has a pair of side members that slope to form a trough-like shape.

For claim 15, Moore as modified by Bennett (emphasis on Moore) further discloses the feeding device is supported by a truss system (69).

For claim 16, Moore as modified by Bennett (emphasis on Moore) further discloses a plurality of support legs (67) are attached to the truss system to support the feeding apparatus.

For claim 17, Moore as modified by Bennett (emphasis on Moore) further discloses each of the plurality of support legs are connected to a base portion (66).

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For claim 19, Moore as modified by Bennett (emphasis on Bennett) further discloses the undulating extension is formed by connecting a plurality of U shaped petals.

3 Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 3,205,860) in view of Bennett (US 2,763,421), and further in view of Struckhoff (US 3,004,518).

Moore as modified by Bennett lack the first and second sections each comprise a plurality of side walls having a plurality of openings.

Struckhoff teaches a similar feeding apparatus as that of Moore as modified by Bennett in which Struckhoff's feeding apparatus having a plurality of side walls comprise a plurality of openings to permit access to the interior thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the feeding apparatus of Moore as modified by Bennett so as to include openings in the side walls in a similar manner as taught in Struckhoff, since to do so would allow the animal to eat feed through the openings.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 3,205,860) in view of Bennett (US 2,763,421), and further in view of Gitschlag et al. (US 2004/0074909).

Moore as modified by Bennett lack an indentation located near the outboard end.

Gitschlag et al. teach a similar feeding apparatus as that of Moore as modified by Bennett in which Gitschlag et al.'s feeding apparatus having an indentation (52) located near the outboard end. It would have been obvious to one having ordinary skill in the

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art at the time the invention was made to have modified the feeding apparatus of Moore as modified by Bennett so as to include an indentation in a similar manner as taught in Gitschlag et al., since to do so would provide a gripping place for the user to carry the feeding apparatus more easily.

5. Claim 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 3,205,860) in view of Bennett (US 2,763,421), and further in view of Meyer (US 5,092,273).

Moore as modified by Bennett lack the regions of increased extension comprise one or more drains.

Meyer teaches a similar feeding apparatus as that of Moore as modified by Bennett in which Meyer's feeding apparatus having a plurality of drainage holes (40) therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Moore as modified by Bennett's feeding apparatus so as to include a plurality drainage holes on the regions of increased extension, in a similar manner as taught in Meyer, in order to provide proper drainage for water collected therein and thus prevent the feed from rotten.

For claim 14, Moore as modified by Bennett lack a keyhole shape having larger upper opening and a slot extending from the upper opening. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the drainage hole of Moore as modified by Bennett and further modified by Meyer in whatever form or shape was desired or expedient, wherein a change in form or shape is generally recognized as being well known within the level to one of ordinary skill in

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the art depending on one's intended use. Furthermore, it appears that the invention would perform equally well with drainage hole as disclosed in Meyer.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 3,205,860) in view of Bennett (US 2,763,421), and further in view of Jones (US 2,715,386).

Moore as modified by Bennett lack the base portion comprises a mushroom shape.

Jones teaches a similar feeding apparatus as that of Moore as modified by Bennett in which Jones's feeding apparatus having a base portion (50) comprises a mushroom shape. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the base portion of Moore as modified by Bennett so as to include the base portion of a mushroom shape, in a similar manner as taught in Jones, since to do so would provide a more steady support for the overall structure.

Response to Arguments

7. Applicant's arguments with respect to claims 1-6, 8-19, 23, and 26 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T. Nguyen whose telephone number is (571) 272-6906. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

The examiner's supervisor, Teri Luu can be reached on (571) 272-7045. The fax phone number for the organization where this application or proceeding is assigned is 572-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Trinh T. Nguyen', with a stylized, elongated horizontal stroke at the end.

Trinh T Nguyen
Primary Examiner
Art Unit 3644

7/29/05

Sept. 18, 1956

H. L. BENNETT
SUNDAE DISH AND THE LIKE

2,763,421

Filed July 13, 1951

2 Sheets-Sheet 2

regions of increased
radial extension

dip portions

regions of decreased
radial extension

outboard end

Fig. 5

separate eating stations

inboard end
Fig. 6

side member

central sec

Fig. 7

Please note that
Page 10 is part of
this office Action and to
be scanned in w/ this
office Action.

Thanks.
Ex. Trinh Nguyen

Inventor
Herbert L. Bennett

by Hill, Sherman, Meroni, Gross & Simpson Attys